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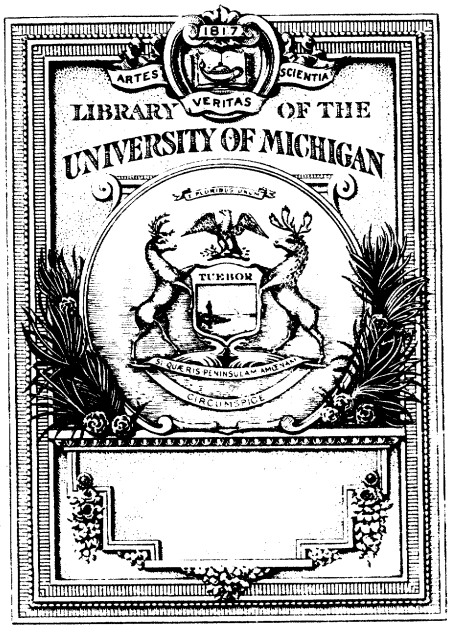
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THE ESTABLISHMENT OF CIVIL GOVERNMENT IN THE PHILIPPINES

The steps leading to the substitution of civil government for military rule in the Philippines form one of the most interesting and suggestive studies in political science. At no time since the Reconstruction period have the elasticity and adaptability of our political ideas been more conspicuously shown. Had the situation in the Philippines been the same as in Porto Rico, the problem would have been comparatively simple. Civil government could have been established in the civilized portions of the islands, while in the less advanced sections tribal organization and tribal rule would have been preserved. For both of these situations there were ample precedents in the administration of territorial affairs and in the management of the Indian and Alaskan tribes. The development of an insurrectionary movement completely changed the character of the problem. It prevented the treaty of peace from having its full legal effect on the civil rights of the inhabitants and left the military government in undisturbed enjoyment of its absolute powers.

In spite of the disturbances and the threatened spread of the rebellious spirit, the authorities at Washington were anxious to introduce gradually the benefits of civil rule. This would serve the two-fold purpose of giving to the natives a concrete and positive assurance of the benevolent intentions of the United States and at the same time quiet the feeling against military rule, which was showing itself with considerable force at home. To do this without weakening the insular government and thereby encouraging the discontented elements was no light task. In fact, it became necessary to formulate a theory of military power new to political science and hitherto untried in the history of government. In order fully to appreciate the significance of the plan adopted, it is necessary to follow the legal and constitutional status of military occupation during its early stages.

The overthrow of the Spanish government by the invading army of the United States, placed the islands in possession of the military authorities. In the exercise of the right accorded by international law to every belligerent, a provisional government was estab-

lished for the purpose of maintaining social order and securing respect for person and property. During this period the territory so occupied did not become part of the United States. In *Fleming* v. *Page*,[1] the Supreme Court of the United States, speaking of the status of Tampico during its belligerent occupation by United States troops, said: "The boundaries of the United States as they existed when war was declared against Mexico, were not extended by the conquest; nor could they be regulated by the varying incidents of war and be enlarged or diminished as the armies on either side advanced or retreated. They remained unchanged, and every place which was out of the limits of the United States as previously established by the political authorities of the government was still foreign." In administering the civil affairs as an obligation incident to belligerent occupation, the power of the military commander is free from constitutional limitations on executive, legislative and judicial power. As a matter of public policy, however, military governments thus established have usually allowed the domestic institutions of the occupied or conquered country to remain untouched, especially when not in flagrant violation with the institutions and political standards of the conquering country. In fact, the "Instructions for the Government of Armies of the United States in the Field,"[2] provide that "all civil and penal law shall continue to take its usual course in the enemy's places and territories under martial law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government—legislative, executive or administrative—whether of a general, provincial or local character, cease under martial law, or continue only with the sanction or, if deemed necessary, the participation of the occupier or invader."

The moment the invaded territory ceases to be the theatre of military operations, the authority of the military government becomes subject to important limitations. The complete dependence of individual rights on the will of the military commander ceases and his acts become subject to certain rules of law which the courts have not hesitated to enforce. Of these, the most important is the principle of "immediate exigency" or "necessity." Thus, when during the Reconstruction period, the military governors attempted to set aside

[1] 9 Howard, 616.

[2] General order 100 A. G. O. 1863.

judicial decrees, the Supreme Court held that "it is an unbending rule of law, that the exercise of military power, where the rights of the citizens are concerned, shall never be pushed beyond what the exigency requires."[3]

The ratification of the treaty of Paris on the eleventh of April, 1899, and the formal transfer of sovereignty did not affect the existence of the military government although it served still further to limit its powers. It is evident that the change of dominion alone contributed nothing towards the establishment of a new government to replace the old. The same principle of overruling necessity which explained the establishment of military rule justifies its continued existence until replaced by some form of civil rule. As to this principle, there has been complete harmony of practice and opinion in the executive, legislative and judicial branches of the government. Military government was continued over New Mexico and California for a considerable period after the treaty of peace with Mexico. President Polk, in his message of December 5, 1848, justified this policy in the following terms: "The only government which remained was that established by the military authority during the war. Regarding this to be a *de facto* government, and that by the presumed consent of the inhabitants it might be continued temporarily, they were advised to conform and submit to it for the short intervening period before Congress would again assemble and could legislate upon the subject." The first clear judicial adjudication of the question was made by the Supreme Court of the United States in *Cross* v. *Harrison*.[4] The question at issue was the validity of certain customs duties collected on goods coming into California, and involved, incidentally, the authority of the military governor to impose such duties after the ratification of the treaty of peace. Referring to the continued existence of the military government after the exchange of ratifications, the court said: "The President might have dissolved it by withdrawing the army and navy officers who administered it, but he did not do so. Congress could have put an end to it, but that was not done. The right inference from the inaction of both is that it was meant to be continued until it had been legislatively changed. No presumption of a contrary intention can be made. Whatever may have been the causes of delay, it must be

[3] Raymond *v.* Thomas, 91 U. S. 712.
[4] 16 Howard, 164.

presumed that the delay was consistent with the true policy of the government; and the more so, as it was continued until the people of the Territory met in convention to form a State government, which was subsequently recognized by Congress under its power to admit new States into the Union."

While its existence may thus be continued, the status of the military government undergoes some change through the ratification of a treaty of peace. Prior to this time a state of war constructively exists and the military government is merely a substitute for the displaced authorities. After the ratification of the treaty the military government *represents the new sovereignty,*[5] and its action can no longer rest upon the basis of military exigency. It becomes a provisional civil authority, entrusted with the task of maintaining order, protecting the public health and promoting the administration of internal affairs. The substitution of the civil for the military code is no longer a matter of choice. The action of the military authorities must conform to the fundamental principles of free government and respect for individual rights; the summary methods of martial rule being no longer permissible. In *exparte Milligan,*[6] the distinction between the two kinds of military jurisdiction was clearly pointed out. The case involved the validity of a conviction by a military court held in the State of Indiana during the Civil War. "If, in foreign invasion or civil war, the courts are actually closed and it is impossible to administer criminal justice according to law, then, on the theatre of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown to preserve the safety of the army and society, and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for if this government is continued after the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war."

The development of an insurrectionary movement in the Phil-

[5] This distinction has been clearly set forth in the valuable compilation of the reports of the law officer of the War Department, Charles E. Magoon, Esq.

[6] 4 Wallace, 2.

ippines prevented the treaty of peace from having its full effect in favor of the personal rights and immunities of the inhabitants. But the fact that certain districts had not only welcomed American rule, but were co-operating with the authorities in improving conditions made the government feel inclined to extend to such districts the full benefits of civil rule. To effect this purpose without seriously interfering with the authority of the military officers in the disturbed provinces required the formulation of a new theory of military rule, or at least a new series of distinctions as to the elements which compose it. The Secretary of War proved himself fully equal to the task and was seconded in his efforts by Congress and the President.

The view taken by the Secretary of War was that the military power vested in the President as commander-in-chief of the military and naval forces of the United States, embraces executive, legislative and judicial functions. Not only is a separation of these functions possible, but they may each be exercised by a different group of officials. As stated by the Secretary of War in his report for 1901: "The military power when exercised in a territory under military occupation includes executive, judicial and legislative authority. It not infrequently happens that in a simple order of a military commander can be found the exercise of all three of these different powers—the exercise of legislative power by provisions prescribing a rule of action, of judicial power by determinations of right, and of executive power by the enforcement of the rules prescribed and the rights determined." It is also a well settled principle that this military power of the President may be exercised through civil agents as well as by military officers. Thus, without weakening the military arm of the government wherever decisive action is necessary, the way is paved for the introduction of a system in which the native element can be assured some participation in public affairs.

This division of authority made possible the appointment of the Philippine Commission which was vested with "that part of the military power of the President in the Philippines which is legislative in its character."[7] The executive authority was retained in the military commanders in order to assure the ready and prompt action which the exceptional situation demanded. Ju-

[7] Report Secretary of War, 1900, page 25.

dicial power was vested in such courts as the Commission, in the exercise of its legislative power, might create. Although nominally exercising legislative powers, the Commission enjoyed important executive functions. Thus under the instructions issued by the President, August 7, 1900,[8] the Commission was given power "to appoint to office such officers under the judicial, educational and civil-service systems and in the municipal and departmental governments as shall be provided for."

It was felt by the administration that the injection of the civil element into the military government would soften the rigors of the latter and would tend to bring the administration of the affairs of the islands into closer harmony with American standards of liberty. While this end was undoubtedly attained, the peculiar division of power gave rise to friction between the Commission and the military authorities which threatened to reduce considerably the usefulness of the former. In order to pave the way for the complete establishment of civil government, the Spooner amendment to the army appropriation bill was passed (March 2, 1901), which provides that "all military, civil and judicial powers necessary to govern the Philippine Islands . . . shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property and religion." This amendment made it possible for the President to make such adjustments between the civil and military authorities as the exigencies of the situation required. Wherever disturbances were still threatened the military government remained in undisturbed control; in the districts completely pacified the civil authority was made supreme.

In June of the same year President McKinley exercised the power thus vested in him by creating the office of civil governor and appointing the president of the Philippine Commission to the position. The authority of the military governor was narrowed to those districts in which insurrection against the authority of the United States continued to exist. On the fourth of July, 1901, Judge Taft was inaugurated as civil governor. This was followed on the first of September by an order of the President establishing four

[8] Report of Secretary of War 1900, Appendix B, page 73.

executive departments to which the members of the Commission were assigned. Commissioner Worcester was made head of the Department of the Interior, Commissioner Wright was made head of the Department of Commerce and Police, Commissioner Ide was assigned to the Department of Finance and Justice and Commissioner Moses, to the Department of Public Instruction. In order to perfect the organization thus provided the Commission, on the sixth of September, passed an act prescribing in detail the jurisdiction of each of the departments.

The effort to increase the authority and extend the influence of the civil government was accompanied by a no less determined purpose to give to the people of the provinces and towns some control of their own affairs. Soon after the military occupation of the archipelago, the first step in this direction was taken. In Negros, the military governor had called together the leading natives of the island, who drafted a form of constitution providing for an elaborate governmental organization, which remained in operation until April, 1901, when the provincial law enacted by the Commission was introduced. With the formulation of a municipal and provincial law, the introduction of civil rule in the local governments was placed upon a firm foundation. One of the duties most strongly emphasized in the President's instructions[9] of April 7, 1900, to the Philippine Commission was "the establishment of municipal governments, in which the natives of the islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their local affairs to the fullest extent of which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the working of native control show to be consistent with the maintenance of law, order and loyalty."

Pursuant to these instructions, the Commission framed a general act for the organization of municipalities under which the towns were made bodies politic and corporate. Some of the leading characteristics of the Spanish system were preserved, the most notable of which is that the mayor, or town president as he is called, presides over the meetings of the council and in case of a tie, casts the deciding vote. He also enjoys a veto power which can only be overcome by a two-thirds majority of the Municipal Council. Al-

[9] See Report Secretary of War 1900, Appendix B, page 72.

though wide powers of initiative are given to the towns a strict supervisory control is retained by the the insular government, especially in matters relating to sanitation and police. As soon as the provincial governments were organized a portion of this authority was vested in them. Up to the present time nearly eight hundred municipalities have been organized under this law. The general municipal law was not made applicable to Manila, to which an exceptional position was given. It was felt that to hand over the capital city to the uncertainties of an elective system might involve some danger and considerable inconvenience to the insular authorities. A plan modeled after the government of Washington was adopted, viz: a Commission of three persons appointed by the governor, by and with the advice and consent of the Commission.

In order to complete the system of local government, an intermediate authority between the municipal and insular authorities had to be provided. Under Spanish rule the archipelago was divided into provinces. Sound policy dictated that these administrative divisions be utilized by the American government. The instructions to the Commission emphasized the importance of a thorough organization of "the larger administrative divisions, corresponding to counties, departments or provinces, in which the common interests of many or several municipalities falling within the same tribal lines or the same natural geographical limits may best be subserved by a common administration." A general act for the organization of provincial governments was accordingly passed,[10] providing for a provincial governor as chief executive and a provincial board composed of the governor, treasurer and supervisor. The choosing of the governor is vested in the councillors of the municipalities of the province, subject to the approval of the Philippine Commission. The first incumbents were selected by the Commission after consultation with the leading men of the province. The treasurer, the supervisor and the secretary are to be chosen by the Commission, subject to the provisions and restrictions of the Civil Service act. The powers and duties assigned to the province correspond closely to those exercised by the county in the Middle and Southern States —administration of roads and bridges, assessment of provincial taxes and maintenance of the courts of first instance. The determination of the general policy of the province in all these matters

[10] Act of February 6, 1901.

is left to the provincial board which is thus made a kind of legislative assembly. Early in 1901 the Commission undertook the reorganization of the judicial system, providing for a Supreme court with a chief justice and six associate justices, fourteen courts of first instance and a justice's court in each municipality of the archipelago.

Thus, step by step, the foundations for the fully developed structure of civil government were being laid. The work was done with so little outward show, that the people of the United States failed to realize how thoroughly every requirement had been fulfilled. The mass of the people still believed the military arm of the government was supreme in the Philippines, when the announcement came that conditions were ripe for the final step in the substitution of civil for military rule.

This was accomplished by the act of July 1, 1902, known as "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." The measure is qualified as "temporary" owing to the tentative character of the provisions relating to the elective assembly. In fact the advisability of introducing representative institutions threatened, for a time, to produce a deadlock between the two houses of Congress. The recommendation of the Philippine Commission was that on the first of January, 1904, there should be elected a popular assembly which, together with an appointive upper house, should form the legislature of the islands. The bill in the form in which it emerged from the Senate Committee, and passed by the Senate, made no provision for a representative assembly other than to direct that as soon as a general and complete peace shall have been established, a census of the people of the Philippine Islands should be taken, containing all the information necessary "to enable Congress to establish intelligently a permanent popular representative government." This provision was radically changed by the House Bill which directed the President to authorize the Commission to call a general election for the choice of delegates to a popular assembly, as soon as the pacification of the islands was completed.

After considerable discussion a compromise plan was finally adopted providing for a census, to be taken as soon as the insurrection ceased. Two years after the completion and publication of such census, in case such condition of general and complete peace

shall continue, of which fact the Philippine Commission shall certify, the President is to direct the Commission to call a general election for the choice of delegates, and the Commission is then required to make such call. This body, which is to consist of not less than fifty and not more than one hundred members, is to be known as the Philippine Assembly and is to be the lower house of the legislature. The Philippine Commission, whose members are hereafter to be appointed by the President, by and with the advice and consent of the Senate is made the upper house. The qualifications of voters for members of the lower house are the same as those of electors in municipal elections.

A provision of great importance which is likely to prevent much friction as well as inconvenience, authorizes the treasurer, with the advice of the governor, in case the legislature has failed to make the appropriations necessary for the support of the government, to make payments equal in amount to the sums appropriated in the last appropriation bills for such purposes. By this means, the most serious dangers resulting from a deadlock between an elective and appointive house are avoided. The experience in Hawaii and the fortunate combination of circumstances by which Porto Rico has avoided these dangers, emphasize the wisdom of such a course.

It would, probably, have been better to have made the sessions of the legislature biennial rather than annual. With a population untrained politically, personal and party animosities are deeper and more bitter than in the United States and the assembling of the legislature is likely to bring these antagonisms to the verge of conflict. In any case, a feeling of unrest and uneasiness is apt to prevail during the legislative session which reacts unfavorably upon business interests. There is furthermore constant danger of a deadlock between the two houses owing to radical differences of opinion as to the scope of legislation. Amongst the native element, paternal ideas of government, inherited from the period of Spanish rule, will prevail and will find expression in all sorts of schemes to aid individual enterprise. In the upper house, in which the American element will predominate, all such plans will meet with uncompromising opposition. On this point the experience with the native lower house in Porto Rico is full of instruction. The table of the assembly was littered with plans to aid the planter, the debtor, the small trader—in fact almost every class in the com-

munity. The firm stand taken by the executive council, while saving the credit of the island, aroused considerable feeling between the two houses. The exceptional political situation, which gave to the administration party every seat in the House of Delegates, prevented an open conflict. It is hardly safe to depend upon such a fortunate combination of circumstances in the Philippines.

In determining the representation at Washington, the Philippine act follows the Porto Rican precedent in providing for resident commissioners. Two such commissioners are to be chosen by the legislature, each house voting separately. That this form of representation produces most unsatisfactory results has been amply proven by the experience of the Porto Rican commissioner. Denied admission to the floor of the House of Representatives, he is unable to present the needs of the island in such a way as to command attention. This soon creates the impression amongst the inhabitants that their interests are being neglected. There seems to be no good reason why the representatives of our new possessions should not be given a position at least equal in dignity with the territorial delegates, with the right to speak on the floor of the House and with every other facility to present to Congress and the President the needs of the country which they represent.

The granting of franchises is hedged about with a multiplicity of restrictions resembling the provisions of a city charter rather than the clauses of a territorial organic act. Already during the discussion of the Porto Rican bill, the cry that the new possessions were to be exploited by franchise-seeking corporations led to the insertion of a number of prohibitions and limitations which proved a real obstacle to the investment of capital. In the Philippine act, the restrictions have been increased in number and severity.

In legislating for conditions so exceptional as those existing in the newly acquired territory, we cannot apply the same standards that prevail in the most advanced of our Western communities. Any attempt to do this cannot fail to retard the development of the country by discouraging the influx and investment of capital. Under the most favorable circumstances, capital will require exceptional inducements to enter upon the uncertainties of investment in a country inhabited by a people of a different race and amongst whom are to be found all the grades of civilization from the lowest forms of barbarism to the cultured Filipino of Manila. The

reservation that all franchises are subject to amendment, alteration or repeal by Congress, while seemingly a measure of precaution introduces an element of doubt into all such grants which will tend to discourage intending investors. After fulfilling all the requirements which the insular government is certain to prescribe, a long period of uncertainty will follow owing to the possible disapproval of the government at Washington. The fact that a positive approval by Congress is not required but that the power of amendment, alteration or repeal continues for an indefinite period will only tend to aggravate the situation. Had this power been lodged in the insular government no such consequences would follow. The moment, however, the control in matters of this character is vested in an authority nine thousand miles from the scene of operations, the primary requisites for the security of capital—viz, definiteness and certainty—disappear. A similar provision in the Porto Rican act led to a request from the insular authorities for its repeal. It was felt that Congress could not so familiarize itself with the local situation as to make its control in such matters either effective or salutary.

A further attempt to force local conditions to conform to one hard and fast standard is to be found in the provision requiring that every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of land not exceeding one thousand and twenty-four hectares, *i. e.*, 2529.28 acres. The original Senate bill did not contain this requirement. If strictly enforced, it can only lead to one of two results, either to hamper the development of the resources of the islands, or to give rise to devices for evading the law. The modern sugar *central* requires the cane from five or even ten thousand acres in order to be kept in full operation. If a corporation is not permitted to own the land necessary to assure the full utilization of a sugar plant worth from one to two million dollars, it must resort to the system of long leases, which in a new country always involves a certain amount of risk. In the Porto Rican act, the maximum amount of land that might be held by a corporation for agricultural purposes was fixed at five hundred acres. Although it has been easily evaded, its presence in the statute book has undoubtedly had some influence in discouraging investment. Any attempt to hamper the growth of corporations in these tropical countries is peculiarly

dangerous as they are the only agencies through which Northern capital can readily be attracted. But few individual capitalists are willing to undergo the hardships of life in these regions. There is, however, a considerable number of business managers, whose acquaintance with tropical conditions enables them to manage the affairs of corporate enterprises with great success. The successful administration of the islands is so intimately bound up with the exploitation of their resources by American and foreign capital that any discouragement to the latter is bound to increase the difficulties of the civil government.

It is furthermore a matter of some surprise that the act undertakes to regulate the issuance of municipal bonds; specifying the denomination of the bond, the rate of interest and other details. Specific authorization is given to the city of Manila to issue bonds to the extent of four million dollars for the purpose of constructing an adequate sewer and drainage system and securing a water supply. Most of the restrictions and limitations were undoubtedly inserted with a view to increasing the salability of these bonds, but for this purpose, all that was strictly necessary was a provision requiring a sinking fund for both interest and principal based on a specific tax requirement. All further details might well have been left to the Philippine government. This was done in the case of Porto Rico and proved eminently satisfactory. It was found that the peculiar conditions of municipalities of different size and resources required varied treatment. By careful attention to these local requirements the insular government is gradually building up the credit of the cities. Had Congress prescribed one uniform plan, it would have required a much longer period to enable the local government to meet the pressing needs of public sanitation and education.

In determining the civil and political status of the inhabitants, the course pursued in the first draft of the bill was precisely similar to the provision of the Porto Rican organic act. All those who were Spanish subjects on the eleventh of April, 1899, and then residing in the islands, and their children born subsequent thereto, except such as elected to preserve their allegiance to the crown of Spain in accordance with the provisions of the treaty of Paris, are designated as citizens of the Philippine Islands. The discussion in both Senate and House showed a desire to extend more substantial guarantees than those contained in the grant of Philippine citizenship.

It will be remembered that in the insular cases, the Supreme Court held that the islands could neither be regarded as foreign territory, nor as part of the United States within the meaning of the Constitution. Incorporation into the United States can only be effected by the political organs of the government. This was construed by Congress to mean that the Constitution does not attach to the new territory, and led both Senate and House to insert a bill of rights, The enumeration of rights and immunities closely resembles the bills of rights of some of the State constitutions, to which four of the fifteen amendments of the Federal Constitution were added. A comparison with both the State and Federal Constitutions shows some significant differences and omissions.

Article two of the amendments to the Federal Constitution which gives to the people the right "to keep and bear arms" is omitted for obvious reasons. Again the provision prescribing the procedure in criminal cases omits the requirement of trial by jury, and simply prescribes that in all criminal prosecutions, the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face and to have compulsory process to compel the attendance of witnesses in his behalf. This modification of the usual form, leaves the Philippine Commission free to determine the form of criminal procedure and to prepare the way for the gradual introduction of the jury system.

The authorization given the Commission by sections sixty-three to sixty-five inclusive, to issue bonds for the purchase of lands belonging to the friars gives concrete expression to one of the most difficult and perplexing problems involved in the government of the archipelago. The power is a sweeping one and enables the Commission to acquire the "lands, easements, appurtenances and hereditaments which, on the thirteenth of August, 1898, were owned or held by associations, corporations, communities, religious orders or private individuals in such large tracts or parcels and in such manner as in the opinion of the Commission injuriously to affect the peace and welfare of the people of the Philippine Islands."

From the testimony of Governor Taft before the House and Senate Committees, it is evident that upon the settlement of this question depends the maintenance of social order in many of the provinces, especially in Laguna, Cavite and Bulacan. Although the

friars seem to hold a good title to the lands—amounting to about four hundred thousand acres—any attempt to assert their title would immediately be followed by disturbances of the most serious character. To the natives, the friars represent, rightly or wrongly, the oppression of the Spanish *régime*. For the American government to enforce their claims as against the present tenants would make a wilderness of some of the most prosperous sections. The only possible solution is that suggested by the Commission, viz: to settle the present tenants on the land as owners, allowing them to make payment for the same in easy installments. The initial cost to the Philippine government will probably range from five to eight millions of dollars.

Compared with the Hawaiian and Porto Rican acts, the Philippine measure marks a further step in the direction of Congressional interference in the distinctly local affairs of our new possessions. Although the plan was adopted with a view to protecting the interests of the islands, the tendency is one which may defeat the purpose for which it is intended. One of the most serious defects of the Spanish colonial administration was the never-ceasing interference of the Madrid authorities in purely local questions. Removed so far from contact with local conditions, the decisions of the central authorities were usually based upon insufficient information and subject to the changing demands of national politics. The result was that much-needed improvements were indefinitely postponed because of the wearying delays and discouraging conditions set by the central government. Unless Congress, in dealing with the new possessions shows greater readiness to leave to the insular governments the decision of distinctively local questions, we are likely to learn from bitter experience, that successful administration in countries presenting such varied conditions, requires an adaptability of policy and an elasticity of method which can only be attained by giving to the local authorities a large measure of discretion and holding them to strict accountability for their acts. Spain failed to learn this lesson and made a miserable failure of her colonial administration, France is gradually taking it to heart after many costly failures, England's success during the nineteenth century is due to strict adherence to the principle. Unless the United States can profit by the experience of the great colonizing powers, we cannot hope to escape the discouragements and failures through which they have been compelled to pass.

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